

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|------------------------|---|------------------------|
| JEREMY V. PINSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. CIV-06-0323-F |
| |) | |
| RENEE WATKINS, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

Plaintiff brings this action pursuant to 42 U.S.C. § 1983 alleging violation of his federal constitutional rights.


Magistrate Judge Robert. E. Bacharach's Report and Recommendation of April 17, 2007 is before the court. ("The Report," doc. no. 106.) In it, Magistrate Judge Bacharach recommends that the defendants' motion to dismiss (doc. no. 29) be granted, and that plaintiff's first claim be dismissed without prejudice and plaintiff's second claim be dismissed with prejudice. Specifically, the Report recommends that plaintiff's first claim, involving an alleged failure to protect, be dismissed without prejudice for the reason that plaintiff failed to exhaust available administrative remedies; the Report recommends that plaintiff's second claim, involving labeling plaintiff as a "snitch," be dismissed with prejudice for the reason that plaintiff filed an untimely grievance and further administrative relief is procedurally barred. Plaintiff has objected to the Report. (Doc. no. 107).

As required by 28 U.S.C. § 636(b)(1), the court has reviewed all objected to matters *de novo*. Having concluded that review, and after careful consideration of plaintiff's objections, the record, and the relevant authorities, the court finds that it

agrees with the Report of the magistrate judge and that no purpose would be served by stating any further analysis here.

Accordingly, the Report and Recommendation of Magistrate Judge Bacharach is **ACCEPTED, ADOPTED**, and **AFFIRMED** in its entirety. Defendant's motion to dismiss is **GRANTED**; plaintiff's first claim is dismissed without prejudice and plaintiff's second claim is dismissed with prejudice.

Dated this 9th day of May, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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